

The opinion in support of the decision being  
entered today is not binding precedent of the Board.

Paper 23

By: Trial Section Merits Panel  
Board of Patent Appeals and Interferences  
U.S. Patent and Trademark Office  
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Filed: January 14, 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
(Administrative Patent Judge Carol A. Spiegel)

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BRIAN ZAMBROWICZ,  
GLENN FRIEDRICH and ARTHUR T. SANDS

Junior Party,  
U.S. Patent 6,080,576

v.

JOHN J. HARRINGTON,  
BRUCE SHERF and STEPHEN RUNDLETT

Senior party,  
Application 09/276,820

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Patent Interference No. 105,104

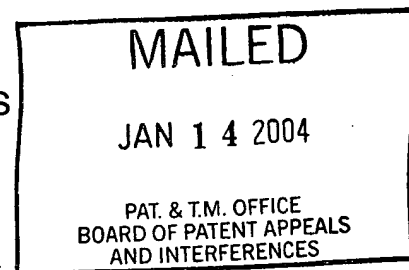
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Before: SCHAFER, TORCZON and SPIEGEL, Administrative Patent Judges.

SPIEGEL, Administrative Patent Judge.

**JUDGMENT PURSUANT TO 37 CFR § 1.662(a)**

Senior party Harrington submitted "the attached Request for Adverse Judgment



executed by the Junior Party Zambrowicz" wherein "party Zambrowicz et al. hereby requests, under 37 C.F.R. § 1.662, that adverse judgment be entered against it with regard to claims 15-21 of Zambrowicz U.S. Patent No. 6,080,576, the only claims in the Zambrowicz patent involved in the present interference (No. 105,104) designated as corresponding to the sole count in the interference." [Paper 21]

Accordingly, it is

ORDERED that judgment on priority as to Count 1 (Paper 1, p. 5), the sole count in the interference, is awarded against junior party BRIAN ZAMBROWICZ, GLENN FRIEDRICH and ARTHUR T. SANDS;

FURTHER ORDERED that junior party BRIAN ZAMBROWICZ, GLENN FRIEDRICH and ARTHUR T. SANDS is not entitled to a patent containing claims 15-21 (corresponding to Count 1) of U.S. Patent 6,080,576;

FURTHER ORDERED that a copy of this decision (Paper 23) be given a paper number and entered in the administrative record of Zambrowicz U.S. Patent 6,080,576 and of Harrington Application 09/276,820; and

Russell C. Schaefer



Carol H. Spiegel

**BOARD OF PATENT  
APPEALS AND  
INTERFERENCES**

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## INTERFERENCE DIGEST

Interference No. 105,104

Paper No. 40

Name: John J. Harrington et al.

Serial No.: 09/276,820

Patent No.

Title: Compositions and methods for non-targeted activation of endogenous genes

Filed: 03/26/99

Interference with Zambrowicz et al.

### DECISION ON MOTIONS

Administrative Patent Judge, \_\_\_\_\_ Dated, \_\_\_\_\_

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### FINAL DECISION

Board of Patent Appeals and Interferences, favorable Dated, 1-14-04

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Court, \_\_\_\_\_ Dated, \_\_\_\_\_

### REMARKS

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This should be placed in each application or patent involved in interference in addition to the interference letters.